



Atty. Docket No. P4455.01 DIV  
Client Matter No. 46234.0063.001  
Express Mail No. EL954332442

*D. Lawrence*  
#10  
10.11.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Baugh, et al.	)	
		)	
Serial No.:	09/330,544	)	Art Unit:
		)	1743
Filing Date:	June 11, 1999	)	
		)	
Title:	TEST CARTRIDGE FOR	)	Examiner:
	EVALUATING BLOOD	)	Alexander, L.
	PLATELET FUNCTIONALITY	)	

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To: Commissioner for Patents  
Washington, DC 20231

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111**

Sir:

**REMARKS**

An Office Action, Paper No. 10, issued in this application on April 24, 2002. Claims 4-6, 8, 10-12, 14, 16, 18-22, 24 and 26-28 are pending and stand rejected. Reconsideration is respectfully requested in light of the following remarks.

**Rejections under Obviousness-Type Double Patenting**

Claims 4-6, 8, 10-12, 14, 16, 18-22, 24 and 26-28 are rejected under the judicially created doctrine of double patenting as being unpatentable over claims 28-40 of U.S. Patent No. 5,972,712, respectively. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because both teach method of evaluating the clotting characteristics of blood. A Terminal Disclaimer with respect to U.S. Patent No. 5,972,712 will be filed when patentable subject matter has been determined.

**Rejection under 35 U.S.C. § 103(a)**

Claims 4-6, 8, 10-12, 14, 16, 18-22, 24 and 26-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baugh (5,314,826) in view of Hanahan et al. (4,329,302). The Examiner states that Baugh teaches a method for the evaluation of clotting characteristics of platelets. The Examiner also alleges that while the Baugh is silent to the claimed 1-O-alkyl-2-acetyl-sn-glycerol-3-phosphorylcholine (AGEPC), it would have been within the skill

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GP/1743



EXPRESS MAIL NO. EL954332442US  
Attorney Docket No. P4450.01 DIV  
Client/Matter No. 46234.0063.001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Baugh, et al.

Serial No.: 09/330,544

Filed: June 11, 1999

For: TEST CARTRIDGE FOR  
EVALUATING BLOOD  
PLATELET FUNCTIONALITY

Group Art Unit: 1743

Examiner: Alexander, L.

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Commissioner for Patents  
Washington, DC 20231

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Sarah O'Rourke  
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